

DALLAS DIVISION

NOV 23 2015

CLERK, U.S. DISTRICT COURT

By

Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN THE MATTER OF A SUBPOENA
DUCES TECUM ISSUED TO NON-
PARTY ADAM FAIRBOURN

§ ACTION NO. 3:15-mc-00127-K-BF

§ Case pending in U.S.D.C.
§ Maryland
§ No. 1:14-cv-01329

ORDER

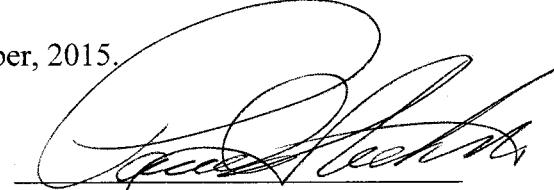
Before the Court is Non-Party Adam Fairbourn's Motion to Quash Subpoena Duces Tecum and for Protective Order. (D.E. 1.) For the reasons set forth herein, the Motion is hereby GRANTED.

Mr. Fairbourn timely filed his Motion to Quash Subpoena Duces Tecum and for Protective Order on November 15, 2015. (D.E. 1.) Upon receipt of the motion, the Court entered an order staying the requested production and requiring a response from Summit DNA, LLC, through its counsel, no later than November 18, 2015. (D.E. 4.) The Court also set the matter for a hearing to take place on November 19, 2015. (*Id.*)

No response was filed by Summit DNA, and a hearing was held in accordance with the Court's order. (D.E. 5.) Counsel for non-party Adam Fairbourn appeared and notified the Court of receipt of an email (sent the morning of the hearing) indicating Summit DNA's intention to withdraw the subpoena. Still, no response was ever made to the Court, and no one appeared at the hearing on Summit DNA's behalf. Despite ample opportunity to resolve the matter without need for Court intervention, counsel for Summit DNA instead opted to ignore the pending motion and the Court's orders regarding same, unnecessarily imposing further cost and expense.

The Court hereby grants non-party Adam Fairbourn's motion in its entirety and awards all reasonable and necessary attorneys' fees and costs in the amount of **\$8906.00**. This ruling is made in accordance with Federal Rules of Civil Procedure 26(c)(3) and 37(a)(5).

SO ORDERED, this 23 day of November, 2015.


PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE